President: One of the Panel of Chairmen might be added.

Mr. Kochikal P. Balakrishnan Tampi: I move to add the name of Mr. K. K. Kuruvila.

Mr. Kottur Kunjukrishna Pillai: I beg to second the motion.

The motion was put to vote and carried.

THE TRAVANCORE HINDU INHERITANCE (REMOVAL OF DISABILITIES) BILL.

Mr. G. Narayana Aiyar: I beg leave to introduce the Travancore Hindu Inheritance (Removal of Disabilities) Bill.

Under the Hindu Law, based on the following text, certain classes of persons, are disqualified from inheritance:—

അന്ധംശൗണ്ഡീബധിരൗപതിതൗതഥ

ജാന്ത്യന്ധബന്ധിരൗതഥാ

ഉന്മത്തജഡമൂകാശ്ച

യേചകേചിന്നിരിന്ദ്രിയാഃ

These are the persons who are disqualified from inheriting under the Hindu Law. Commenting upon this text, at page 1388 of his Hindu Code, Gour says,—

"The following defects, if congenital, disqualify a person from inheritance, namely:—

(i) Idiocy;
(ii) Blindness;
(iii) Deafness;
(iv) Dumbness;

And the following defects, if present at the time the succession opened, equally disqualify him from inheritance, namely:—

(v) Madness;
(vi) Sanious or ulcerous leprosy;
(vii) Permanent lameness;
(viii) Impotency;
(ix) Other incurable diseases; and
(x) When the widow is the heir, her re-marriage falling under the provisions of Section 2 of the Hindu Widows' Re-marriage Act:

Provided that the disqualification in all cases is personal only to the heir disqualified, and do not affect his natural issue, though it affects equally his adopted son and the widow."

There have been a series of decisions in British India, and an Amendment Regulation, Act XII of 1928, has been passed. Under that Act, the disqualification was confined to certain classes of persons and removed so far as the others mentioned in the text are

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[Mr. G. Narayana Aiyar.]

concerned. The same author says at page 1276 of the Hindu Code—

"A person who is and has been congenitally a lunatic or an idiot, is disqualified from inheritance.

Save as above no person is so disqualified by reason only of any disease, deformity or physical or mental defect:

Provided, however, that nothing herein shall be deemed to confer upon any person any right in respect of any religious office or service or of the management of any religious or charitable trust, which he would not have had, independently of the Hindu Inheritance (Removal of Disabilities) Act, 1928."

Another writer says—

"നപുംസകത്വം' occurring in the above passage means "deprived of an organ of disease by disease."

"അചികിത്സ്യരോഗപീഡകളാ സപ്തമഗാഹാരിണഃ"

It means that those who are suffering from incurable diseases are disqualified from inheritance.

President: I would suggest to the honourable member that the Bill is not likely to provoke any controversy. I would therefore advise that he may straightway move his motion unless he finds some opposition developing.

Mr. G. Narayana Aiyar: Thank you, Sir.

There have been occasions for our High Court also to consider this question, and we have the ruling in 4 T. L. J. 411. There the question was whether leprosy was a disqualification, and if so to what extent. Relying on the decision reported in 19 Madras 74, Their Honours ruled that it is only incurable leprosy that would disqualify a person from inheritance. The same decision has been arrived at in 19 T. L. J. 911, following the Madras decision, although no reference appears to have been made to the 4 T. L. J. case. The trend of decisions in Travancore and elsewhere is not to disqualify a person unless the disqualification is proved to the satisfaction of the Court. Since under the Hindu Law the presumption is against disqualification. It will also be noticed that, except the Hindu Law, no other system of law disqualifies a person from inheritance merely because he is a lunatic or an idiot or suffering from an incurable disease. I am sure it will be realised that it is these disabled persons that need greater expenditure of money for their sustenance than normal persons; because they require assistance and help almost for everything. Any disqualification from inheritance will therefore make their position only more desperate. The disqualification has been removed in British India; and it is

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only right that we do not lag behind. It is with these considerations that I introduce the Bill.

Mr. Kottur Kunjukrishna Pillai: I second the motion.

The motion was put to vote and carried.

Secretary: The title of the Bill shall be "The Travancore Hindu Inheritance (Removal of Disabilities) Bill.'.

Mr. G. Narayana Aiyar: I beg to move that the Bill be referred to a Select Committee consisting of

Messrs. P. I. Simon
Kottur Kunjukrishna Pillai
M. S. Anirudhan
V. S. Arumukham Pillai
Nedumangad R. Kesavan Nair
Kallur Narayana Pillai
M. K. Ananthasiva Aiyar
T. Mahomed Ismail
Kayalam Parameswaran Pillai
P. R. Godavarma Raja
C. N. Thuppan Namputhiripad
N. V. Chacko and
myself.

Mr. Kottur Kunjukrishna Pillai: I second it.

The motion was put to vote and carried.

THE TRAVANCORE KRISHNANVAKA MARUMAKKATHAYAM BILL.

Mr. K. R. Elankath: I beg to move that leave be granted to me for introducing the Travancore Krishnanvaka Marumakkathayam Bill.

Mr. Kottur Kunjukrishna Pillai: I second it.

The motion was put to vote and carried. Leave was granted.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Recruitment of Prosecuting Inspectors.

Mr. T. Mahomed Ismail: Sir, I beg to move the following resolution:

"This Council recommends to the Government that, as far as possible the posts of Prosecuting Inspectors should be filled by direct recruitment from amongst the graduates-in-law of the State."

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